Washington, Wednesday, August 21, 1940

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION
CHAPTER I—CIVIL AERONAUTICS
AUTHORITY

DESIGNATION OF CIVIL AIRWAYS

AMENDMENT NO. 1

JULY 1, 1940.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, particularly section 302 thereof, I hereby amend the Designation of Civil Airways as follows:

1. By amending section 2 (a) (1) to read as follows:

"(1) Green civil airway No. 1 (Seattle, Wash., to Boston, Mass.). From Boeing Field, Seattle, Wash., via the Seattle, Wash., radio range station; Easton, Wash., radio market station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station: Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Helena, Mont., radio range and the northwest leg of the Belgrade, Mont., radio range; Belgrade, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Miles City, Mont., radio range and the west leg of the Golva, N. Dak., radio range; Golva, N. Dak., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis.

Minn., radio range station; LaCrosse, Wis., radio range station; Lone Rock, Wis., radio range station; Milwaukee, Wis., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Milwaukee, Wis., radio range and the northwest leg of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the center lines of the on course signals of the east leg of the Lansing, Mich., radio range and the north leg of the Detroit, Mich. (Wayne County Airport), radio range; and the Detroit, Mich. (Wayne County Airport), radio range station; to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport). radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian Border, via the Buffalo, N. Y., radio range station; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Springfield, Mass., radio range station; the intersection of the center lines of the on course signals of the east leg of the Springfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range; and the Boston, Mass., radio range station; to the Municipal Airport, Boston, Mass.

2. By amending section 2 (a) (2) to read as follows:

"(2) Green civil airway No. 2 (San Francisco, Calif., to New York, N. Y.). From the Municipal Airport, San Francisco, Calif., via the Oakland, Calif., radio range station; Sacramento, Calif., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Sacramento, Calif., radio range and the southwest leg of the Donner Summit, Calif., radio range; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Buffalo Valley, Nev., radio range station; Elko, Nev., radio range station; Wendover, Utah, radio range station;

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of

the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the Federal Register

will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

Salt Lake City, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Parco, Wyo., radio range station; the intersection of the center lines of the on course signals of the east leg of the Parco, Wyo., radio range and the northwest leg of the Laramie, Wyo., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Laramie, Wyo., radio range and the northwest leg of the Cheyenne, Wyo., radio range: Cheyenne, Wyo., radio range station; Sidney, Nebr., radio range station; North Platte, Nebr., radio range station: Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Montezuma, Iowa, radio marker station; Moline, Ill., radio range station; the intersection of the center lines of the on course signals of the east leg of the Moline, Ill., radio range and the southwest leg of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Detroit, Mich. (Wayne County Airport), radio range and the west leg of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Mercer, Pa., radio range station; Brookville, Pa., radio marker station; Bellefonte, Pa., radio range station: the intersection of the center lines of the on course signals of the east leg of the Bellefonte, Pa., radio range and the west leg of the Allentown, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; the intersection of the center lines of the on Ala., radio range station; Montgomery Utah, radio range station; Milford, Utah,

course signals of the east leg of the Al- | Airport, Montgomery, Ala.: Atlanta, Ga., lentown, Pa., radio range and the south leg of the New York, N. Y. (New York Municipal Airport, LaGuardia Field), radio range; and the New York, N. Y. (New York Municipal Airport, LaGuardia Field), radio range station; to the New York Municipal Airport, LaGuardia Field."

3. By amending section 2 (a) (4) to read as follows:

"(4) Green civil airway No. 4 (Los Angeles, Calif., to Washington, D. C.). From the Los Angeles, Calif., radio range station, via the Riverside, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, Calif., radio range and the west leg of the Blythe. Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the center lines of the on course signals of the south leg of the Phoenix, Ariz., radio range and the northwest leg of the Tucson, Ariz., radio range: Tucson, Ariz., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Tucson, Ariz., radio range and the west leg of the Cochise, N. Mex., radio range; Cochise, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Guadalupe Pass, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Little Rock, Ark., radio range station; Brinkley, Ark., radio range station; Memphis, Tenn., radio range station; Jacks Creek, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; Knoxville, Tenn., radio range station; Bristol, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; and the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington. D. C., radio range; to the Washington, D. C., radio range station."

4. By amending section 2 (a) (5) to read as follows:

"(5) Green civil airway No. 5 (Corpus Christi, Tex., to Richmond, Va.). From the Municipal Airport, Corpus Christi, Tex., via the Corpus Christi, Tex., radio range station; Palacious, Tex., radio range station; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station: New Orleans, La., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the New Orleans, La., radio range and the southwest leg of the Mobile, Ala., radio range; Mobile,

radio range station; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Spartanburg, S. C., radio range and the west leg of the Charlotte, N. C., radio range; the intersection of the center lines of the on course signals of the north leg of the Charlotte, N. C., radio range and the southwest leg of the Greensboro, N. C., radio range; Greensboro, N. C., radio range station; South Boston, Va., radio marker station; and the Richmond, Va., radio range station; to the Municipal Airport, Richmond, Va."

5. By amending section 2 (b) (1) to read as follows:

"(1) Amber civil airway No. 1 (San Diego, Calif., to U. S.-Canadian Border). From the Municipal Airport, San Diego, Calif., via the San Diego, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the San Diego, Calif., radio range and the southeast leg of the Santa Ana, Calif., radio range; and the Santa Ana, Calif., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Santa Ana, Calif., radio range and the east leg of the Los Angeles, Calif.. radio range. From the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif.. radio range and the southwest leg of the Palmdale, Calif., radio range, via the Bakersfield, Calif., radio range station: Fresno, Calif., radio range station; and the Modesto, Calif., radio range station; to the Oakland, Calif., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Oakland, Calif., radio range and the south leg of the Williams, Calif., radio range, via the Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland. Oreg., radio range station; Ethel, Wash., radio range station; Seattle, Wash., radio range station; Everett, Wash., radio range station; and the Bellingham, Wash., radio range station to the intersection of the center line of the on course signal of the northwest leg of the Bellingham, Wash., radio range and the United States-Canadian Border."

6. By amending section 2 (b) (2) to read as follows:

"(2) Amber civil airway No. 2 (Daggett, Calif., to Great Falls, Mont.). From the Daggett, Calif., radio range station, via the Silver Lake, Calif., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Silver Lake, Calif., radio range and the southwest leg of the Las Vegas, Nev., radio range; Las Vegas, Nev., radio range station: Morman Mesa, Nev., radio range station; Enterprise,

radio range station; Delta, Utah, radio | via the Brownsville, Tex., radio range sta-| intersection of the center lines of the range station; Tintic, Utah, radio range station; Salt Lake City, Utah, radio range station; Plymouth, Utah, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; the intersection of the center lines of the on course signals of the north leg of the Whitehall, Mont., radio range and the south leg of the Helena, Mont., radio range; Helena, Mont., radio range station: the intersection of the center lines of the on course signals of the north leg of the Helena, Mont., radio range and the southwest leg of the Great Falls, Mont., radio range; and the Great Falls, Mont., radio range station; to the Municipal Airport, Great Falls, Mont."

7. By amending section 2 (b) (3) to read as follows:

"(3) Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.). From the intersection of the center lines of the on course signals of the west leg of the El Paso, Tex., radio range and the south leg of the Engle, N. Mex., radio range via the Engle, N. Mex., radio range station; to the Albuquerque, N. Mex., radio range station. From the intersection of the center lines of the on course signals of the east leg of the Otto, N. Mex., radio range and the southwest leg of the Las Vegas, N. Mex., radio range, via the Las Vegas, N. Mex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, N. Mex., radio range and the south leg of the Trinidad, Colo., radio range; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Denver, Colo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the center lines of the on course signals of the north leg of the Cheyenne, Wyo., radio range and the southeast leg of the Douglas, Wyo., radio range; Douglas, Wyo., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Douglas, Wyo., radio range and the east leg of the Casper, Wyo., radio range; Casper, Wyo., radio range station; the intersection of the center lines of the on course signals of the north leg of the Casper, Wyo., radio range and the southeast leg of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; Billings, Mont., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Billings, Mont., radio range and the southeast leg of the Lewistown, Mont., radio range; and the Lewistown, Mont., radio range station; to the Great Falls, Mont., radio range station."

8. By amending section 2 (b) (4) to read as follows:

"(4) Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.). From D. C., radio range. From the Washing- the northwest leg of the Tyler, Tex., the Municipal Airport, Brownsville, Tex., I ton, D. C., radio range station, via the I radio range; the intersection of the cen-

tion; the intersection of the center lines of the on course signals of the north leg of the Brownsville, Tex., radio range and the southwest leg of the Corpus Christi, Tex., radio range; Corpus Christi, Tex., radio range station; San Antonio, N. J., radio range station, via the inter-Tex., radio range station; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the center lines of the on course signals of the north leg of the Oklahoma City, Okla., radio range and the southwest leg of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; and the Chanute, Kans., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range. From the Kansas City, Mo., radio range station, via the Omaha, Nebr., radio range station; Sloux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range; and the Bismarck, N. Dak., radio range station to the Bismarck, N. Dak., Municipal Airport."

9. By amending section 2 (b) (7) to read as follows:

"(7) Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine). From Meacham Airport, Key West, Fla., via the Key West, Fla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Key West, Fla., radio range and the southwest leg of the Miami, Fla., radio range; Miami, Fla., radio range station; the intersection of the center lines of the on course signals of the north leg of the Miami, Fla., radio range and the southeast leg of the Melbourne, Fla., radio range; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; and the Richmond, Va., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range

on course signals of the northeast leg of the Washington, D. C., radio range and the southwest leg of the Philadelphia, Pa., radio range to the Philadelphia, Pa., radio range station. From the Camden, section of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; Newark, N. J., radio range station; and the Hartford, Conn., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Springfield. Mass.. radio range and the southwest leg of the Boston, Mass., radio range. From the Boston, Mass., radio range station, via the Portland, Maine, radio range station; Augusta, Maine, radio range station: the intersection of the center lines of the on course signals of the northeast leg of the Augusta, Maine, radio range and the southwest leg of the Bangor, Maine, radio range; Bangor, Maine, radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Bangor, Maine, radio range and the southwest leg of the Millinocket, Maine, radio range; Millinocket, Maine, radio range station; and the intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the southeast leg of the Caribou, Maine, radio range to the Caribou, Maine, radio range station."

10. By amending section 2 (c) (5) to read as follows:

"(5) Red civil airway No. 5 (United States-Canadian border to Danforth, Maine). From the intersection of the center line of the on course signals of the west leg of the Minninocket, Maine, radio range and the United States-Canadian Border, via the Millinocket, Maine radio range station: to the intersection of the center line of the on course signal of the east leg of the Millinocket. Maine, radio range and the United States-Canadian Border."

11. By amending section 2 (c) (10) to read as follows:

"(10) Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.). From the intersection of the center lines of the on course signals of the east leg of the Amarillo, Tex., radio range and the northwest leg of the Clarendon, Tex., radio range, via the Clarendon, Tex., radio range station; Wichita Falls, Tex., radio range station; to the intersection of the center lines of the on course signals of the southeast leg of the Wichita Falls, Tex., radio range and the north leg of the Fort Worth, Tex., radio range. From the Fort Worth, Tex., radio range station via the Dallas, Tex., radio range station; the intersection of the center lines of the on course signals of the east and the south leg of the Washington, leg of the Dallas, Tex., radio range and ter lines of the on course signals of the [radio range; and the Tallahassee, Fla., north leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range; Shreveport, La., radio range station: Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; and the Birmingham, Ala., radio range station; to the Atlanta, Ga., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range, via the Augusta, Ga., radio range station; to the Charleston, S. C., radio range station."

- 12. By amending section 2 (e) (13) to read as follows:
- "(13) Red civil airway No. 13 (Springfield, Mass., to Boston, Mass.). From the Springfield, Mass., radio range station via the Hartford, Conn., radio range station: and the Rhode Island State Airport, Providence, R. I.; to the Boston, Mass., radio range station.'
- 13. By amending section 2 (c) (25) to read as follows:
- "(25) Red civil airway No. 25 (Daytona Beach, Fla., to Miami, Fla.). From the Daytona Beach, Fla., radio range station; via the Orlando, Fla., radio range station; Tampa, Fla., radio range station; and the Fort Myers, Fla., radio range station; to the Miami, Fla., radio range station."
- 14. By amending section 2 (c) (27) to read as follows:
- "(27) Red civil airway No. 27 (Dayton, Ohio, to Detroit, Mich.). From the Municipal Airport, Dayton, Ohio, via the Toledo, Ohio, radio range station; and the intersection of the center lines of the on course signals of the north leg of the Toledo, Ohio, radio range and the south leg of the Detroit, Mich. (Wayne County Airport) radio range; to the Detroit, Mich. (Wayne County Airport), radio range station."
- 15. By amending section 2 (c) (29) to read as follows:
- "(29) Red civil airway No. 29 (Baltimore, Md., to Elmira, N. Y.). From Baltimore. Md., radio range station, via the Harrisburg, Pa., radio range station; and the Williamsport, Pa., radio range station; to the Elmira, N. Y., radio range station."
- 16. By adding the following new sections to section 2 (c):
- "(30) Red civil airway No. 30 (Mobile, Ala., to Jacksonville, Fla.). From the intersection of the center lines of the on course signals of the northeast leg of the Mobile, Ala., radio range and the west leg of the Crestview, Fla., radio range; via the Crestview, Fla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Fla., radio range and the north leg of Crestview, Fla., radio range and the the Tampa, Fla., radio range; to the northwest leg of the Tallahassee, Fla., Tampa, Fla., radio range station."

radio range station; to the Jacksonville, Fla., radio range station.

"(31) Red civil airway No. 31 (Huron. S. Dak., to Minneapolis, Minn.). From the Huron, S. Dak., radio range station, via the Watertown, S. Dak., radio range station; and the Willmar, Minn., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Willmar, Minn., radio range and the northwest leg of the Minneapolis, Minn., radio range.

"(32) Red civil airway No. 32 (San Antonio, Tex., to Houston, Tex.). From the intersection of the center lines of the on course signals of the southeast leg of the San Antonio, Tex., radio range and the west leg of the Yoakum, Tex., radio range, via the Yoakum, Tex., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Yoakum, Tex., radio range and the southwest leg of the Houston, Tex., radio range.

"(33) Red civil airway No. 33 (Harrisburg, Pa., to New York, N. Y., Municipal Airport (La Guardia Field)). From the intersection of the center lines of the on course signals of the southeast leg of the Harrisburg, Pa., radio range and the southwest leg of the Allentown, Pa., radio range, via the Allentown, Pa., radio range station; and the intersection of the center lines of the on course signals of the northeast leg of the Allentown, Pa., radio range and the northwest leg of the New York, N. Y. (La Guardia Field) radio range; to the New York, N. Y. (La Guardia Field) radio range station."

- 17. By amending section 2 (d) (3) to read as follows:
- "(3) Blue civil airway No. 3 (Memphis, Tenn., to Tampa, Fla.). From the intersection of the center lines of the on course signals of the northeast leg of the Memphis, Tenn., radio range and the northwest leg of the Muscle Shoals, Ala., radio range; via the Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range and the north leg of the Birmingham, Ala., radio range; Birmingham, Ala., radio range station; Montgomery Airport, Montgomery, Ala.; Dothan, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Dothan, Ala., radio range and the northwest leg of the Tallahassee, Fla., radio range Tallahassee, Fla., radio range station: the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; and the intersection of the center lines of the on course signals of the southeast leg of the Cross City,

- 18. By amending section 2 (d) (12) to read as follows:
- "(12) Blue civil airway No. 12 (Northdalles, Wash., to Ellensburg, Wash.). From the Northdalles, Wash., radio range station via the intersection of the center lines of the on course signals of the northeast leg of the Northdalles, Wash., radio range and the south leg of the Ellensburg, Wash., radio range; to the Ellensburg, Wash., radio range station."
- 19. By amending section 2 (d) (15) to read as follows:
- "(15) Blue civil airway No. 15 (Columbus, Ohio, to Erie, Pa.). From the intersection of the center lines of the on course signals of the east leg of the Columbus, Ohio, radio range and the southwest leg of the Akron, Ohio, radio range, via the Akron, Ohio, radio range station: and the intersection of the center lines of the on course signals of the northeast leg of the Akron, Ohio, radio range and the southwest leg of the Erie, Pa., radio range; to the Erie, Pa., radio range station."

This amendment of the designation of the civil airways shall become effective on and after 12:01 A. M., E. S. T., July 1, 1940.

> CLINTON M. HESTER. Administrator.

[F. R. Doc. 40-3464; Filed, August 19, 1940; 3:28 p. m.]

DESIGNATION OF ADDITIONAL CIVIL AIRWAYS

AMENDMENT NO. 2

August 10, 1940.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, particularly section 302 thereof, I hereby amend the Designation of Civil Airways 1 as follows:

- 1. By adding a new section (e) to read as follows:
- "(e) Additional civil airways-1. Pueblo, Colo., to Wichita, Kans., Civil Airway. From the Municipal Airport. Pueblo, Colo., via the Municipal Airport, La Junta, Colo.; Municipal Airport, Garden City, Kans.; and the Municipal Airport, Hutchinson, Kans.; to Municipal Airport, Wichita, Kans,
- "2. Pueblo, Colo., to Wichita, Kans., Civil Airway (Alternate Route). From the Municipal Airport, Pueblo, Colo., via the Municipal Airport, La Junta, Colo.; Municipal Airport, Garden City, Kans.; Municipal Airport, Dodge City, Kans.; and the Municipal Airport, Pratt, Kans.; to the Municipal Airport, Wichita, Kans.
- "3. Los Angeles, Calif., to San Francisco, Calif., Civil Airway (Coastal Route). From the Municipal Airport, Los Angeles, Calif., via the Goleta Airport, Santa Barbara, Calif.; Santa Maria Airport, Santa Maria, Calif.; Paso Robles

¹ 5 F.R. 626.

Municipal Airport, Salinas, Calif., to Mills | prices at which hardwood charcoal is to Field, San Francisco, Calif.

"4. Detroit, Mich., to Sault Ste. Marie Civil Airway. From the Detroit City point in the United States, prohibited. Airport, Detroit, Mich., via the Municipal (Sec. 5, 38 Stat. 719, as amended by sec. Airport, Saginaw, Mich.; Traverse City Airport, Traverse City, Mich.; and the 45b) [Cease and desist order, Hardwood Pellston Airport, Pellston, Mich.; to the Charcoal Company et al., Docket 3670, Municipal Airport, Sault Ste. Marie, Mich.

City, Mich., Civil Airway. From the Municipal Airport, Grand Rapids, Mich., to the Traverse City Airport, Traverse resale price maintenance: § 3.27 (d) City, Mich.

"6. Norfolk, Va., to Washington, D. C., port, Washington, D. C.

"7. Tallahassee, Fla., to Atlanta, Ga., Civil Airway. From the Municipal Airport, Tallahassee, Fla., via the Municipal Airport, Albany, Ga., to Candler Field, see selling agency for producer mem-Atlanta, Ga."

This amendment of the designation of the civil airways shall become effective on and after 12:01 A. M., E. S. T., August 12, 1940.

DONALD H. CONNOLLY, Administrator of Civil Aeronautics.

[F. R. Doc. 40-3465; Filed, August 19, 1940; 3:28 p. m.]

TITLE 16-COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3670]

IN THE MATTER OF HARDWOOD CHARCOAL COMPANY ET AL.

§ 3.27 (d) Combining or conspiring-To enhance, maintain or unify prices. Fixing or maintaining, in connection with offer, etc., in commerce, of hardwood charcoal, and on the part of respondent Hardwood Charcoal Company [Tennessee selling agencyl, respondent Manufacturers Charcoal Company [Pennsylvania selling agencyl, respondent Cliffs-Dow Chemical Company and respondent Tennessee Eastman Corporation [Michigan and Tennessee producers], and the officers, etc., of said corporations, whether directly or indirectly, or while said Hardwood Company is acting in its behalf or that of its three respondent corporate members or any other hardwood charcoal producer, or while said Manufacturers Company is acting in its behalf or in behalf of fifteen respondent producer concerns or in behalf of any other such producer, and pursuant to agreement, understanding or combination between or among themselves or between or among any two or more of them or between or among any one or more of said respondents and any other competing corporation or corporations or any competing al., Docket 3670, August 9, 19401

Airport, Paso Robles, Calif.; and the person or persons, identical delivered be sold or is sold by them to distributors or dealers thereof at any destination 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec-August 9, 1940]

§ 3.27 (b) (1) Combining or conspir-"5: Grand Rapids, Mich., to Traverse ing—To eliminate competition—In conspirators' goods: § 3.27 (c10) Combining or conspiring—To enforce or bring about Combining or conspiring-To enhance, maintain or unify prices. In connection Civil Airway. From the Municipal Airwith the offer, etc., in commerce, of port, Norfolk, Va., to the National Airhardwood charcoal, and on the part with the offer, etc., in commerce, of of respondent Manufacturers Charcoal Company [Pennsylvania selling agency for producer members], and respondent Hardwood Charcoal Company [Tennesbers], and said corporations' respective officers, etc., directly or indirectly, and whether acting in their own behalf or in that of their respective members, as in the order described, and in pursuance of agreement, understanding or combination between themselves or between either or both of them and any other competing corporation or corporations, or between either or both of them and any competing person or persons, (1) fixing or maintaining identical or uniform resale prices at which hardwood charcoal is offered for sale, or sold, at retail throughout the United States, or (2) allotting territories in the United States to each of said respondents within which each is to sell, and beyond which each shall not sell, the hardwood charcoal produced by its Members, as such Members have heretofore been defined and designated, or (3) limiting severally and reciprocally the respective quantities of hardwood charcoal which each may, shall or does sell to their respective customers, or (4) refusing to solicit, or refraining from soliciting, the customers of each other, or (5) limiting the number of distributors or dealers to whom each shall offer to sell or shall sell hardwood charcoal, or (6) exchanging information as to delivered prices at which each sells its hardwood charcoal to distributors or dealers, as to cales policies, accounting methods, the hardwood charcoal situation in their respective territories, or other information, where any of same is exchanged for the purpose, or with the intent, or with the effect of effectuating any agreement to fix or maintain identical or uniform delivered prices at which hardwood charcoal is to be offered for sale or sold at destination points throughout the United States. prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hardwood Charcoal Company et

§ 3.27 (b) (1) Combining or conspiring-To eliminate competition-In conspirators' goods: § 3.27 (d) Combining or conspiring—To enhance, maintain or unify prices: § 3.27 (k) Combining or conspiring—To sell products deceptively: § 3.66 (k) (3) Misbranding or mislabeling-Source or origin-Maker. In connection with offer, etc., in commerce, of hardwood charcoal, and on the part of respondent Hardwood Charcoal Company [Tennessee selling agency], either while acting for or in behalf of itself or its respondent members, as in the order described, and on the part of respondent Tennessee Eastman Corporation [producing concern], and their respective officers, etc., and pursuant to agreement or understanding between themselves or between either or both of them and any other competing corporation or corporations, or between either or both of them and any competing person or persons, filling orders for hardwood charcoal for each other from dealers or distributors throughout the United States in bags or receptacles upon which the trade-mark, trade-name, or other trade identification of the seller appears without a statement on such bags or receptacles that the contents thereof were packed for the seller, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hardwood Charcoal Company et al., Docket 3670, August 9, 19401

§ 3.27 (b) (1) Combining or conspiring-To eliminate competition-In conspirators' goods: § 3.27 (d) Combining or conspiring-To enhance, maintain or unify prices. In connection with offer, etc., in commerce, of hardwood charcoal, and on the part of respondent Clawson Chemical Company and fourteen other corporate and individual Pennsylvania and New York charcoal producers, their respective officers, etc., and by means of contract, agreement, understanding or combination between or among themselves, or between or among any two or more of them, or between or among any one or more of them and any other competing corporation or corporations, or competing person or persons, (1) making, designating or constituting respondent Manufacturers Charcoal Company or any other corporation or any person or persons, the sole or exclusive agent for the sale of all, or a substantial proportion of, the hardwood charcoal produced by any of said respondents during any six months', or other specific, period, or (2) purchasing the entire, or a substantial proportion of, the output of Canadian hardwood charcoal shipped into the United States, where the purpose, intent or effect of said purchase is to eliminate competition which arises from, or might arise from the sale of said Canadian hardwood charcoal in the United States. prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist orDocket 3670, August 9, 1940]

IN THE MATTER OF HARDWOOD CHARCOAL COMPANY, MANUFACTURERS CHARCOAL COMPANY, TENNESSEE EASTMAN CORPO-RATION, CLIFFS DOW CHEMICAL COM-PANY, TENNESSEE PRODUCTS CORPORA-TION. FOREST PRODUCTS CHEMICAL COM-PANY, CROSSETT CHEMICAL COMPANY, CLAWSON CHEMICAL COMPANY, CUS-TER CITY CHEMICAL COMPANY, GENE-SEE CHEMICAL COMPANY, THE GRAY CHEMICAL COMPANY, HEINEMANN CHEM-ICAL COMPANY, THOMAS KEERY COM-PANY, INC., KINZUA VALLEY CHEMICAL COMPANY, MAYBURG CHEMICAL COM-PANY. MORRIS CHEMICAL COMPANY, OSWAYO CHEMICAL COMPANY, OTTO CHEMCAL COMPANY, PENN CHARCOAL AND CHEMICAL COMPANY, UNION CHARCOAL COMPANY OF PENNSYLVANIA, BEATRICE A. TREYZ AND CAROL TREYZ SOUTHWORTH, DOING BUSINESS AS C. H. TREYZ AND COMPANY, VICTOR TREYZ AND LAURA TREYZ, OPERATING THE ESTATE OF G. I. TREYZ

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of August, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answers of the respondents and stipulations as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provide, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Hardwood Charcoal Company, a corporation, Manufacturers Charcoal Company, a corporation. Cliffs Dow Chemical Company, a corporation, and Tennessee Eastman Corporation, a corporation, and their respective officers, directors, representatives, agents and employees, together with the successors or assigns of each of said respondents, directly or indirectly, or while said respondent, Hardwood Charcoal Company is acting in its own behalf or on behalf of respondents Tennessee Products Corporation, Forest Products Chemical Company or Crossett Chemical Company, members of said Hardwood Charcoal Company, or while acting on behalf of any other producer of hardwood charcoal or while respondent Manufacturers Charcoal Company is acting on its own behalf or on behalf of respondents Clawson Chemical Company, Custer City Chemical Company, Heine-

Company, Mayburg Chemical Company, Morris Chemical Company, Oswayo Chemical Company, Otto Chemical Company, Penn Charcoal and Chemical Company, Union Charcoal Company of Pennsylvania, Beatrice A Treyz and Carol Treyz Southworth, doing business as G. H. Treyz and Company, Victor Treyz and Laura Treyz, operating the Estate of G. I. Treyz, as members of Manufacturers Charcoal Company, or while acting on behalf of any other producer of hardwood charcoal in connection with the offering for sale, sale or distribution of hardwood charcoal in commerce as "commerce" is defined by the Federal Trade Commission Act, forthwith cease and desist fixing or maintaining, pursuant to agreement. understanding or combination between or among themselves or between or among any two or more of them or between or among any one or more of said respondents and any other competing corporation or corporations or any competing person or persons, identical delivered prices at which hardwood charcoal is to be sold or is sold by them to distributors or dealers thereof at any destination point in the United States.

It is further ordered, That respondents Manufacturers Charcoal Company and Hardwood Charcoal Company and their respective officers, directors, representatives, agents and employees, together with the successors or assigns of each of said respondents, directly or indirectly, or while acting for or on behalf of themselves or for or on behalf of their respective members hereinbefore described, in connection with the offering for sale, sale or distribution of hardwood charcoal in commerce as "commerce" is defined by the Federal Trade Commission Act, forthwith cease and desist, pursuant to agreement, understanding or combination between themselves or between either or both of them and any other competing corporation or corporations or between either or both of them and any competing person or persons, from doing the following acts and things:

(1) Fixing or maintaining identical or uniform resale prices at which hardwood charcoal is offered for sale, or sold, at retail throughout the United States:

(2) Allotting territories in the United States to each of said respondents within which each is to sell, and beyond which each shall not sell, the hardwood charcoal produced by its Members, as such Members have heretofore been defined and designated;

(3) Limiting severally and reciprocally the respective quantities of hardwood charcoal which each may, shall or does sell to their respective customers:

(4) Refusing to solicit, or refraining from soliciting, the customers of each other:

(5) Limiting the number of distributors or dealers to whom each shall offer to sell or shall sell hardwood charcoal:

(6) Exchanging information as to mann Chemical Company, Thomas Keery | delivered prices at which each sells its | the following acts or things:

der, Hardwood Charcoal Company et al., | Company, Inc., Kinzua Valley Chemical | hardwood charcoal to distributors or dealers, as to sales policies, accounting methods, the hardwood charcoal situation in their respective territories, or other information, where any of same is exchanged for the purpose, or with the intent, or with the effect of effectuating any agreement to fix or maintain identical or uniform delivered prices at which hardwood charcoal is to be offered for sale or sold at destination points throughout the United States.

> It is further ordered, That respondent Hardwood Charcoal Company, either while acting for or on behalf of itself or while acting for or on behalf of its members as hereinbefore described, and respondent Tennessee Eastman Corporation and their respective officers, directors, representatives, agents and employees, together with the successors or assigns of either of said respondents, directly or indirectly, in connection with the offering for sale, sale or distribution of hardwood charcoal in commerce as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist, pursuant to agreement or understanding between themselves or between either or both of them and any other competing corporation or corporations, or between either or both of them and any competing person or persons, from filling orders for hardwood charcoal for each other from dealers or distributors throughout the United States in bags or receptacles upon which the trade-mark, trade-name, or other trade identification of the seller appears without a statement on such bags or receptacles, that the contents thereof were packed for the seller.

> It is further ordered, That respondents Clawson Chemical Company, Custer City Chemical Company, Genesee Chemical Company, The Gray Chemical Company, Heinemann Chemical Company, Thomas Keery Company, Inc., Kinzua Valley Chemical Company, Mayburg Chemical Company, Morris Chemical Company, Oswayo Chemical Company, Otto Chemical Company, Penn Charcoal and Chemical Company, Union Charcoal Company of Pennsylvania, Beatrice A. Treyz and Carol Treyz Southworth, doing business as G. H. Treyz and Company, Victor Treyz and Laura Treyz, operating the Estate of G. I. Treyz, and their respective officers, directors, representatives, agents and employees, together with the successors or assigns of each of said respondents, directly or indirectly, in connection with the offering for sale, sale or distribution of hardwood charcoal in commerce, as "commerce" is defined by the Federal Trade Commission Act, forthwith cease and desist, by means of contract, agreement, understanding or combination between or among themselves, or between or among any two or more of them, or between or among any one or more of them and any other competing corporation or corporations, or competing person or persons, from doing

ing respondent Manufacturers Charcoal Company or any other corporation or any person or persons, the sole or exclusive agent for the sale of all, or a substantial proportion of, the hardwood charcoal produced by any of said respondents during any six months', or other specific, period;

(2) Purchasing the entire, or a substantial proportion of, the output of Canadian hardwood charcoal shipped into the United States, where the purpose, intent or effect of said purchase is to eliminate competition which arises from, or might arise from the sale of said Canadian hardwood charcoal in the United

It is further ordered, That as to the allegations contained in the amended complaint pertaining to the alleged understanding, agreement, combination and conspiracy between and among respondents Tennessee Products Corporation, Forest Products Chemical Company, and Crossett Chemical Company, to eliminate and suppress competition through the formation of respondent Hardwood Charcoal Company, said amended complaint be, and the same hereby is, dismissed against the said respondents Tennessee Products Corporation, Forest Products Chemical Company and Crossett Chemical Company without prejudice to the right of the Commission to issue a new complaint containing such allegations should future facts warrant such procedure in the public interest.

It is further ordered, That the respondents herein, and each of them, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 40-3473; Filed, August 20, 1940; 11:30 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5003]

. CANCELLATION OF INDEBTEDNESS AND RE-DUCTION OF BASIS OF DEBTOR'S PROPERTY IN PROCEEDINGS UNDER BANKRUPTCY ACT OF 1898, AS AMENDED

AMENDING REGULATIONS 103, 101, 94 AND 86

The Act of July 1, 1940: (Public, No. 699, 76th Cong., 3d Sess.) amends sections 270, 396 and 522 of the Bankruptcy Act, as amended, to read as follows, effective June 22, 1938:

Sec. 270. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's property of the company of the debtor's property. (other than money) or of such property (other than money) as is transferred to any 25 F.R. 348, 437, 569.

(1) Making, designating or constitutg respondent Manufacturers Charcoal
whole or in part shall be decreased by an
amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpoid and not resulting in a tax benefit on any income tax return, has been canceled or reduced in a proceeding under this chapter, but the basis of any particular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the plan. Any deter-mination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revereasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section.

SEC. 396. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's propety (other than money) or of such property (other than money) as is transferred to any person required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrated interest unually and not resulting in accrued interest unpaid and not resulting in a tax benefit on any income-tax return, has been canceled or reduced in a proceeding un-der this chapter, but the basis of any par-ticular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the arrangement. Any de-termination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this sec-

Sec. 522. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's prop-erty (other than money) or of such property (other than money) as is transferred to any person required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpaid and not resulting in a tax benefit on any income-tax return, has been canceled or reduced in a proceeding un-der this chapter, but the basis of any par-ticular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the arrangement. Any de-termination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of In-ternal Revenue, with the approval of the Secretary of the Treasury, shall preceribe such regulations as he may deem necessary in order to reflect such decreass in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section.

In conformity with the above-quoted provisions of law, Regulations 103 1 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.J, 101 [Part 9, Title 26, Code of Federal Regulations, 1939 Sup.1. 94 [Part 3, Title 26, Code of Federal Regulations] and 86 are amended as follows:

Paragraph 1. Section 19.113 (b) (1)-2 of Regulations 103 and Article 113 (b)-2 of Regulations 101 [section 9.113 (b)-2] are amended by eliminating the first two

In addition to the adjustments provided in section 113 (b) (1) and section 19.113 (b) (1)-1 ["article 113 (b)-1" in Regulations 1011 which are required to be made with respect to the cost or other basis of property, a further adjustment shall be made in any case in which there shall have been a cancellation or reduction of indebtedness in any proceeding under section 12, 74 (except in the case of a "wage earner" as defined in the Bankruptcy Act, as amended), or 77B or under Chapter X, XI, or XII of the Bankruptcy Act of 1898, as amended.

Par. 2. Section 19.113 (b) Regulations 103, article 113 (b)-2 of Regulations 101 [section 9.113 (b)-2], both as amended by the preceding paragraph of this Treasury Decision, [article 113 (b)-2 of Regulations 94, as amended by Treasury Decision 4871, approved November 9, 1938] section 3.113 (b)-2, Title 26, Code of Federal Regulations, 1938 Sup., and article 113 (b)-2 of Regulations 86, as amended by such Treasury Decision 4871, are each amended by substituting for the matter following the first sentence thereof the following:

Such further adjustment shall be made in the following manner and order:

(1) In the case of indebtedness incurred to purchase specific property (other than inventory or notes or accounts receivable), whether or not a lien is placed against such property securing the payment of all or part of such indebtedness, which indebtedness shall have been canceled or reduced in any such proceeding, the cost or other basis of such property shall be decreased (but not below its fair market value) by the amount by which the indebtedness so incurred with respect to such property shall have been canceled or reduced;

(2) In the case of specific property (other than inventory or notes or accounts receivable) against which, at the time of the cancellation or reduction of the indebtedness, there is a lien (other than a lien securing indebtedness incurred to purchase such property) the cost or other basis of such property shall be decreased (but not below its fair market value) by the amount by which the indebtedness secured by such lien shall have been canceled or reduced;

(3) Any excess of the total amount by which the indebtedness shall have been so canceled or reduced in such proceeding over the sum of the adjustments made under (1) and (2) shall next be applied to reduce the cost or other basis of the property of the debtor (other than inventory and notes and accounts receivable, but including property covered by (1) and (2)) as follows: The cost or other basis of each unit of property shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the adjusted basis (after adjustment under (1) and (2)) of each such unit of property bears

adjustment under (1) and (2)) of all the property of the debtor other than inventory and notes and accounts receivable:

- (4) Any excess of the total amount by which such indebtedness shall have been so canceled or reduced over the sum of the adjustments made under (1), (2) and (3) shall next be applied to reduce the cost or other basis of any units of property covered by (1), (2) and (3) which have a remaining basis (after adjustment under (1), (2) and (3), greater than their fair market value, as follows: The cost or other basis of each such unit of property shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the remaining basis of each such unit bears to the sum of the remaining bases of such units. The process shall be repeated until the cost or other basis of each unit of the property covered by (1), (2) and (3) is reduced to its fair market value or the amount by which the indebtedness shall have been canceled or reduced is exhausted, taking into account in the successive steps only those units of property having, after the preceding adjustment, a remaining basis greater than their fair market value;
- (5) Any excess of the total amount by which the indebtedness shall have been so canceled or reduced over the sum of the adjustments made under (1), (2), (3) and (4) shall next be applied to reduce the cost or other basis of inventory and notes and accounts receivable, as follows: The cost or other basis of inventory or notes or accounts receivable, as the case may be, shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the adjusted basis of inventory, notes receivable or accounts receivable, as the case may be, bears to the sum of the adjusted bases of such inventory and notes and accounts receivable. The process shall be repeated until the adjusted bases of inventory, notes receivable and accounts receivable are reduced to their fair market value or the amount by which the indeptedness shall have been canceled or reduced is exhausted, taking into account in the successive steps only those units of property having, after the preceding adjustment, a remaining basis greater than their fair market value.

For the purposes of this article I"section" in Regulations 1031-

- (A) Basis shall be determined as of the date of entry of the order confirming the plan, composition or arrangement under which such indebtedness shall have been canceled or reduced;
- (B) Except where the context otherwise requires, property means all of the debtor's property, other than money;
- (C) No adjustment shall be made by virtue of the cancellation or reduction of any accrued interest unpaid which shall 23 F.R. 2686.

income tax return;

- (D) The phrase "indebtedness incurred to purchase" includes (i) indebtedness for money borrowed and applied in the purchase of property and (ii) an existing indebtedness secured by a lien against the property which the debtor, as purchaser of such property, has assumed to pay; and
- (E) The term "fair market value" has reference to such value as of the date of entry of the order confirming the plan, composition or arrangement under which such indebtedness shall have been canceled or reduced.

Any determination of value in a proceeding under the Bankruptcy Act, as amended, shall not constitute a determination of fair market value for the purposes of this article ["section" in Regulations 103].

The basis of any of the debtor's property which shall have been transferred to a person required to use the debtor's basis in whole or in part shall be determined in accordance with the provisions of this article ["section" in Regulations 103].

PAR. 3. Regulations 103 are amended by inserting after section 19.113 (b) (1)-2 thereof the following new section:

§ 19.113 (b) (1)-3 Adjusted basis: Cancellation of indebtedness: Special cases. If the taxpayer and the Commissioner agree, the basis of the taxpayer's property may be adjusted in a manner different from that set forth in section 19.113 (b) (1)-2. Variations from such rule may, for example, involve adjusting the basis of any part of the taxpayer's property or adjusting the basis of all the taxpayer's property, according to a fixed allocation. Agreement between the taxpayer and the Commissioner as to any variation from such general rule shall be effected only by a closing agreement entered into under the provisions of section 3760 (paragraph 46 of the Appendix to these regulations).

PAR. 4. Article 113 (b)-3 [section 9.113 (b)-3] of Regulations 101, and article 113 (b)-3 of Regulations 94 [section 3.113 (b)-3] and 86, as amended by Treasury Decision 4871, approved November 9, 1938, are each redesignated article 113 (b)-4.

PAR. 5. Regulations 101, and Regulations 94 and 86, both as amended by Treasury Decision 4871, approved November 9, 1938, are each amended by inserting after article 113 (b)-2 thereof the following new article:

"Article 113 (b)-3. Adjusted basis: Cancellation of indebtedness: Special cases. If the taxpayer and the Commissioner agree, the basis of the taxpayer's property may be adjusted in a manner different from that set forth in article 113 (b)-2. Variations from such rule may, for example, involve adjusting the

to the sum of the adjusted bases (after | not have resulted in a tax benefit in any | basis of any part of the taxpayer's property or adjusting the basis of all the taxpayer's property, according to a fixed allocation. Agreement between the taxpayer and the Commissioner as to any variation from such general rule shall be effected only by a closing agreement entered into under the provisions of section 3760 of the Internal Revenue Code.'

> (This Treasury Decision is issued under the authority of the Bankruptcy Act of 1898, as amended, and as further amended by the Act of July 1, 1940 (Public, No. 699, 76th Cong., 3d Sess.); sections 62 and 113 (b) of the Internal Revenue Code (53 Stat. 32, 44); and sections 62 and 113 (b) of the Revenue Acts of 1938, 1936 and 1934 (52 Stat. 480, 490, 26 U.S.C. Sup. 62, 113 (b); 49 Stat. 1673, 1682, 26 U.S.C. Sup. 62, 113 (b); 48 Stat. 700, 706, 26 U.S.C. 62, 113 (b).)

[SEAL] TIMOTHY C. MOONEY. Acting Commissioner.

Approved, August 16, 1940.

JOHN L. SULLIVAN, Acting Secretary of the Treasury.

[F. R. Doc. 40-3463; Filed, August 19, 1940; 12:38 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I-FEDERAL COMMUNI-CATIONS COMMISSION

PART 6-RULES GOVERNING FIXED PUBLIC RADIO SERVICES

> POINT-TO-POINT TELEGRAPH AND TELEPHONE STATIONS

The Commission on August 14, 1940, effective September 1, 1940, adopted the following new rule:

- § 6.37 Call letters, transmission of. Every point-to-point telegraph and telephone station in the fixed public and fixed public press services shall transmit three times in succession at half hourly intervals during each 24-hour period the identifying call letters of the frequency or frequencies below 50,000 kilocycles on which transmissions are taking place. This transmission shall be made within the period ten minutes before and ten minutes after the hour and half hour under the following conditions:
- (a) Point-to-point telegraph stations. (1) The transmission shall be made in international Morse code utilizing either type A-1 or type A-2 emission at a transmission speed not to exceed twenty-five words per minute without the use of multiplexing, tape facsimile, printer or other similar equipment or methods of operation during such period and shall consist of transmitting the signal "QRA de" followed by the call letters.
- (2) Point-to-point telegraph stations engaged in a radiophoto or an Addressed Program transmission shall not be required to transmit identifying call letters during the period when such identification would interrupt the continuity of

transmitted. In any such case the identifying call letters shall be transmitted, as outlined above, immediately following the conclusion of the program or radiophoto.

(b) Point-to-point telephone stations. (1) The transmission shall be made employing either type A-1, A-2 or A-3 emission: Provided, however, When utilizing A-1 or A-2 emission the transmission shall be made in international Morse code at a transmission speed not to exceed twenty-five words per minute and shall consist of transmitting the signal-"QRA de" followed by the call letters. When utilizing type A-3 emission, all privacy or secrecy devices shall be removed from the transmitter input circuit during such period and the announcement shall be made in the following order: "This is Station (call letters)."

(2) Point-to-point telephone stations continuously engaged in a public telephone message, radiophoto, or an Addressed Program transmission shall not be required to transmit identifying call letters during the period when such identification would interrupt the continuity of the message, radiophoto, or program that is being transmitted. In any such case the identifying call letters shall be transmitted, as outlined above, immediately following the conclusion of the message, radiophoto, or program. (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission.

[SEAL]

JOHN B. REYNOLDS. Acting Secretary.

[F. R. Doc. 40-3466; Filed, August 20, 1940; 11:17 a.m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division. [Docket No. 1416-FD]

APPLICATION OF MIDDLE RIVER COAL COM-PANY FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

Application, pursuant to the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named party:

It is ordered, That hearing on such matter be held on the 10th day of September 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Post Office Building, Jefferson City, Missouri.

It is further ordered, That D. C. Mc-

Curtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to administer oaths and affirmations, to examine witnesses, subpoena 1 3 F.R. 2159.

evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before September 5, 1940.

The matter concerned herewith is in regard to application filed by Middle River Coal Company for exemption pursuant to the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 and to an Order of the National Bituminous Coal Commission entered in Docket No. 71-FD, which Order has been adopted and ratified as an Order of the Bituminous Coal Division.

The mine of the Applicant is located in Production Group No. 3, District No. 15, at Fulton, Callaway County, Missouri, and exemption is claimed for coal sold and consumed in Callaway, Audrain, Moniteau, Cole, and Montgomery Counties, Missouri.

The Applicant claims that its sales of coal in the above-named counties are intrastate transactions which do not in any manner directly affect interstate commerce in bituminous coal.

Dated, August 17, 1940.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 40-3477; Filed, August 20, 1940; 11:46 a. m.]

[Docket No. 21-FD]

PITTSBURGH STEEL COMPANY

ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The Pittsburgh Steel Company having, on June 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced by the Applicant at its Monessen mine, located in Westmoreland County, Pennsylvania, and its Alicia Mine No. 2. located in Greene County, Pennsylvania, and transported by the Applicant to itself for consumption by it in the production of pig iron and steel; and

The Commission having on August 31. 1938, entered an order pursuant to a hearing held on said application at Washington, D. C., on August 16, 1937 in Docket No. 21-FD, granting said application with respect to the coal pro-

the program or radiophoto that is being | witnesses, compel their attendance, take | duced at the Monessen mine and transported by the Applicant to itself for consumption in the production of plg iron and steel, upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of August 31, 1938:

It is ordered, That said order of August 31, 1938, and the exemption granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the Pittsburgh Steel Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

- a. The full name and business address of the Applicant, and the name and location of the mine producing the coal for which exemption was granted by the said order of August 31, 1938;
- b. The total tonnage of bituminous coal produced by Applicant from such mine for the period covered between the date of said order of August 31, 1938, and the date of the filing of such application for renewal:
- c. The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption:
- d. Whether any change has occurred since June 10, 1937, in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal, and if such change has occurred, the nature thereof;
- e. Whether any change has occurred in the agency or instrumentality through which the coal was being produced at the time the application for exemption was filed and, if such change has occurred, the nature thereof;
- f. A statement that all the facts contained in the application for exemption filed on June 10, 1937, remain true and correct.

Dated, August 19, 1940.

[SEAL]

H. A. GPAY, Director.

[F. R. Doc. 40-3474; Filed, August 20, 1940; 11:45 a. m.]

[Docket No. 627-FD]

FINZER BROTHERS CLAY COMPANY

ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The Finzer Brothers Clay Company having, on April 21, 1939, filed with the National Bituminous Coal Commission a

verified application for exemption with respect to certain bituminous coal produced by the Applicant at its mine located in Tuscarawas County, and transported by the Applicant to itself for consumption by it in the manufacture of clay products at its plant located in Sugarcreek, Ohio; and

The Commission having, on June 23, 1939, entered an order in Docket No. 627-FD, granting said application upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of June 23, 1939:

It is ordered, That said order of June 23, 1939, and the exemption granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the Finzer Brothers Clay Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

a. The full name and business address of the Applicant, and the name and location of the mine or mines covered by the said order of June 23, 1939;

b. The total tonnage of bituminous coal produced by Applicant from such mine or mines for a period of one year preceding the date of the filing of such application for renewal:

c. The total tonnage of such production which was consumed by Applicant. and the nature and purpose of such consumption;

- d. Whether any change has occurred since April 21, 1939, in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal, and if such change has occurred, the nature thereof:
- e. Whether any change has occurred in the agency or instrumentality through which the coal was being produced at the time the application for exemption was filed and, if such change has occurred, the nature thereof;
- f. A statement that all the facts contained in the application for exemption filed on April 21, 1939, remain true and correct.

Dated, August 19, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-3475; Filed, August 20, 1940; 11:45 a. m.]

[Docket No. 746-FD]

PLIBRICO JOINTLESS FIREBRICK COMPANY ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The Plibrico Jointless Firebrick Company, having on June 27, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced by the Applicant at its mine located in Lawrence County, and transported by the Applicant to itself for consumption by it in the manufacture of fire brick at its plant located in Washington Township, Ohio; and

The Commission having on June 20, 1939, entered an order in Docket No. 746-FD, granting said application upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of June 20, 1939:

It is ordered, That said order of June 20, 1939, and the exemption granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the Plibrico Jointless Firebrick Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

- a. The full name and business address of the Applicant, and the name and location of the mine or mines covered by the said order of June 20, 1939;
- b. The total tonnage of bituminous coal produced by Applicant from such mine or mines for a period of one year preceding the date of the filing of such application for renewal.
- c. The total tonnage of such production which was consumed by Applicant. and the nature and purpose of such consumption;
- d. Whether any change has occurred since June 27, 1938, in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal, and if such change has occurred, the nature thereof;
- e. Whether any change has occurred in the agency or instrumentality through which the coal was being produced at the time the application for exemption was filed and, if such change has occurred, the nature thereof;

f. A statement that all the facts contained in the application for exemption filed on June 27, 1938, remain true and correct.

Dated, August 19, 1940.

SEAL T

H. A. GRAY. Director.

[F. R. Doc. 40-3476; Filed, August 20, 1940; 11:46 a. m.]

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 5895]

INCREASED RATES FOR MESSAGE TELEGRAPH SERVICE FROM THE UNITED STATES, ITS TERRITORIES AND ITS POSSESSIONS TO SALVADOR

ORDER FOR HEARING

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 14th day of August 1940,

It appearing, That there have been filed with the Federal Communications Commission tariffs containing schedules stating new charges and new classifications, regulations and practices affecting such charges to become effective on the 23rd, the 25th or the 28th day of August 1940. designated as follows:

ALL AMERICA CABLES AND RADIO, INC.

13th Revised Page No. 32B of F.C.C. No. 2, effective August 23, 1940. 4th Revised Page No. 40 of F.C.C. No. 2, effective August 23, 1940. 2nd Revised Page No. 44 of F.C.C. No. 2,

effective August 23, 1940.
5th Revised Page No. 46 of F.O.C. No. 2, effective August 23, 1940.

7th Revised Page No. 891 of F.C.C. No. 2, effective August 23, 1940.

COMMERCIAL PACIFIC CABLE COMPANY

4th Revised Page No. 43 of F. C. C. No. 2, effective August 28, 1940 3rd Revised Page No. 88 of F. C. C. No. 2,

effective August 28, 1940 3rd Revised Page No. 139 of F. C. O. No. 2, effective August 28, 1940

MACKAY RADIO AND TELEGRAPH COMPANY (DELAWARE)

5th Revised Page No. 87 of F. C. C. No. 2, effective August 23, 1940 2nd Revised Page No. 110 of F. C. C. No. 2, effective August 23, 1940

3rd Revised Page No. 132 of F. C. C. No. 2, effective August 23, 1940
4th Revised Page No. 156 of F. C. C. No. 2,

effective August 23, 1940

POSTAL TELEGRAPH-CABLE COMPANY (New York)

3rd Revised Page No. 21 of F. C. C. No. 42, effective August 23, 1940 5th Revised Page No. 47 of F. C. C. No. 42, effective August 23, 1940 2nd Revised Page No. 14 of F. C. C. No. 56, effective August 23, 1940

R. C. A. COMMUNICATIONS, INC.

5th Revised Page No. 326 of F. C. C. No. 15, effective August 23, 1940

TROPICAL RADIO TELEGRAPH COMPANY

3rd Revised Page No. 52 of F. C. C. No. 27, effective August 23, 1940

¹4 F.R. 2695.

¹4 F.R. 2469.

THE WESTERN UNION TELEGRAPH COMPANY 8th Revised Page No. 30 of F. C. C. No. 173, effective August 25, 1940
4th Revised Page No. 41 of F. C. C. No. 180,

effective Agust 25, 1940 It is ordered, That the Commission,

on its own motion, without formal pleading enter upon a hearing concerning the lawfulness of the charges, and of the regulations, classifications, and practices stated in the said schedules contained in said tariffs in so far as they are applicable to telegraph communications from points in the United States, its territories and its possessions to Salvador.

It further appearing, That said schedules make certain increases in rates for the transmission of telegraph communications in foreign commerce and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective dates of the said schedules contained in said tariffs should be postponed pending said hearing and decision thereon;

It is further ordered, That the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates, charges, classifications, regulations, and practices therein stated, in so far as they are applicable to telegraph communications from the United States, its territories and its possessions to Salvador, be deferred until the 23rd day of November, 1940, unless otherwise ordered by the Commission, and no change shall be made in such charges, classifications, regulations, and practices during the said period of suspension, unless authorized by special permission of the Commission.

It is further ordered, That the charges and the classifications, regulations, and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission.

It is further ordered, That a copy of this order be filed with said schedules in the office of the Federal Communications Commission, that a copy thereof be posted in the office of the Secretary of the Commission, that a copy be published in the FEDERAL REGISTER, and that copies be forthwith served upon the carriers party to such schedules, and that said carriers party to such schedules be, and they are hereby, each made a party respondent to this proceeding; and

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing before such Commissioner or Commissioners, Examiner or Examiners, and at such times and places as the Commission may hereafter direct.

By the Commission.

JOHN B. REYNOLDS. TSEAL] Acting Secretary.

F. R. Doc. 40-3467; Filed, August 20, 1940; 11:17 a. m.]

SECURITIES AND EXCHANGE COM- thereof and approved by vote of not less MISSION.

[File No. 54-23]

IN THE MATTER OF THE UNITED ILLUMINAT-ING TRUST AND THE ILLUMINATING SHARES COMPANY

ORDER APPROVING PLAN FOR CORPORATE SIMPLIFICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1940.

The United Illuminating Trust and The Illuminating Shares Company, registered holding companies, having filed: (a) a joint application pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for divestment of control and of securities of The United Illuminating Company, a subsidiary of each, for the purpose of simplifying such corporate structure and fairly and equitably distributing the voting power so as to effectuate the provisions of Section 11 (b) (2) of the Act, which plan is more fully described in the Findings and Opinion hereinafter referred to: (b) an application for a report of the Commission pursuant to Section 11 (g) of said Act, on such plan; and (c) a declaration pursuant to Rule U-12B-5 promulgated under said Act, with respect to the solicitation of authorizations from the stockholders of The Illuminating Shares Company in connection with the consummation of such plan; and

A hearing on said application having been held after appropriate notice, which included notice by mail to all Class A stockholders of The Illuminating Shares Company fifteen days prior to the date of the aforesaid hearing; no security holders or other persons having appeared at said hearing in opposition to said application; the record in this matter having been examined by the Commission, and the Commission having made and filed its Findings and Opinion herein, attached hereto and made a part hereof as if fully

incorporated herein; and
The Commission having found that said plan for corporate simplification and fair and equitable distribution of voting power, as submitted, is necessary to effectuate the provisions of Section 11 (b) (2) of said Act, and fair and equitable to the persons affected by such plan; and the Commission having made and filed herein its Report on said plan in the form hereto attached and made a part of this order:

It is ordered, Pursuant to Section 11 (e) of said Act, that said plan, as amended, be and the same hereby is approved, and that such approval shall include each of the following steps which shall be taken pursuant to such plan:

1. Termination of The United Illuminating Trust pursuant to a vote of not less than four-fifths of the Trustees

- 2. Transfer by said Trustees of The United Illuminating Trust of the 579,651 shares of capital stock of The United Illuminating Company held by said Trustees, to The Illuminating Shares Company for the sole and exclusive benefit of the Class A stockholders of The Illuminating Shares Company, and the acquisition of such shares by The Illuminating Shares Company from said Trustees.
- 3. The exchange by The Illuminating Shares Company with its Class A stockholders of the 579,651 shares of the capital stock of The United Illuminating Company so received by said The Illuminating Shares Company from said Trustees of The United Illuminating Trust for the 1,159,302 shares of the outstanding Class A stock of The Illuminating Shares Company on the basis of one share of such capital stock of The United Illuminating Company for two shares of the Class A stock of The Illuminating Shares Company, such exchange being necessary to effectuate the provisions of Section 11 (b) of the Public Utility Holding Company Act of 1935; and the issuance and exchange of scrip certificates by The Illuminating Shares Company for odd shares of the Class A stock of The Illuminating Shares Company;
- 4. Dissolution of The Illuminating Shares Company.

and that the foregoing steps be carried out within one year from the date of this order, without prejudice however to the applicants' right to apply for an extension of such time for an additional period not exceeding one year, and to the Commission to grant such application, upon a proper showing made. if the Commission to grant such applicais necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, Pursuant to section 11 (g) of said Act, that said Report be and the same hereby is approved and adopted as the Report herein made by the Commission, and as the form in which copies of said report may be used by said applicants in making solicitations in respect of the matters therein referred to, pursuant to section 11 (g), and in substantial compliance with the terms and conditions of and for the purposes represented by said application as amended; and

It is further ordered, That said declaration, pursuant to Rule U-12E-5, with respect to such solicitation, shall be and become effective forthwith:

It is further ordered, That said approval of the aforementioned plan be subject to the following conditions:

1. That, as required by the terms of the plan, at least four-fifths of the Trustees shall vote to terminate the Trust and that the holders of at least 80 per cent of the Class A stock of The Illumi-

than eighty per cent of the Class A stock of The Illuminating Shares Company;

¹5 F.R. 1427.

prove such vote of the Trustees to terminate the Trust and shall also by vote approve the plan and authorize its consummation. Compliance with the condition may be evidenced by the proper officers of applicants, executing and filing, as part of the record in this proceeding, a statement setting forth that such approval has been given as required by the terms of the plan, and summarizing the results of the action of the Class A stockholders of the Shares Company at a special stockholders' meeting called for that purpose or otherwise by which such approval may be given.

2. That no fees or expenses, incurred or to be incurred in connection with the plan be paid until twenty days after filing a notification with this Commission as to the amounts of such proposed fees and expenses, with a detailed statement as to the services and expenses for which such fees or expenses are to be paid.

3. That within ten days after consummation of the various transactions set forth in the application, as amended, applicants shall file with this Commission a notification showing that the execution of such transaction has been effected as set forth in and for the purposes represented by said application, as amended.

It is further ordered, That the Commission hereby reserves jurisdiction to approve any and all fees and expenses incurred or to be incurred in connection with such plan, within twenty days after the notification as to the amount of fees and expenses proposed to be paid, as required above, is filed with this Commission; and that the Commission hereby reserves jurisdiction to entertain such further proceedings, to make such further findings and to take such other action as may be appropriate in the premises in connection with such plan.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-3468; Filed, August 20, 1940; 11:27 a. m.]

[File No. 2-1644]

IN THE MATTER OF NUGOLD MINING COR-PORATION, LIMITED

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1940.

This matter having come on to be heard by the Commission on the registration statement of Nugold Mining Corporation, Limited, after confirmed telegraphic notice by the Commission to the said registrant to the effect that it appeared that the said registration statement contained untrue statements of material facts and omitted to state and conditions:

nating Shares Company shall by vote ap-| material facts required to be stated | therein and material facts necessary to make the statements therein not mis- represented by the application and in leading; and

> The registrant having failed to appear at said hearing and having consented to the entry of a stop order; and

> The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading:

> It is ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Nugold Mining Corporation, Limited, be and the same hereby is suspended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-3469; Filed, August 20, 1940; 11:27 a.m.]

[File No. 70-107]

IN THE MATTER OF WASHINGTON GAS AND ELECTRIC COMPANY

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1940.

Washington Gas and Electric Company, a registered holding company and a subsidiary of North American Gas and Electric Company, also a registered holding Company, having filed an application pursuant to Rule U-12C-1, promulgated under Section 12 (c) of the Public Utility Holding Company Act of 1935. seeking approval of the acquisition by purchases in the open market throughout the remaining portion of the calendar year 1940 by using the sum of \$100,000 for the purchase of bonds of the following outstanding issues: First Mortgage, 5½%, due 1947; First Mortgage, 5½%, due 1953: First Mortgage, 5%, due 1955; and First Lien and General Mortgage, 6%, due 1960; a public hearing having been held after appropriate notice and the Commission having made and filed its findings and opinion herein:

It is ordered, That said application be approved, subject to the conditions hereinafter imposed, with regard to the acquisition of bonds of the following issues: First Mortgage, 5½%, due 1947; First Mortgage, 51/2%, due 1953; First Mortgage, 5%, due 1955;

It is further ordered, That said application be denied in so far as it relates to the acquisition of First Lien and General Mortgage Bonds, 6%, due 1960;

It is further ordered, That said approval be subject to the following terms

- (1) That the transactions be carried out in the manner of and for the purpose accordance with the terms and conditions of our order.
- (2) That Washington Gas and Electric Company file with the Commission within ten days after the first of each month, a statement showing the amounts of each series purchased, prices, brokers and beneficial owners.
- (3) That no bonds be purchased from any officers or directors of the holding company system or from or through any firms of which such individuals are affiliates.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 40-3470; Filed, August 20, 1940; 11:27 a. m.]

[File No. 2-4329]

IN THE MATTER OF CHAIN STORES DEPOT CORPORATION

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1940.

This matter, coming on to be heard before the Commission on the registration statement of Chain Stores Depot Corporation, a Delaware corporation, after confirmed telegraphic notice to said registrant that it appeared that said registration statement included untrue statements of material facts and omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading, and upon evidence received under the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading; all as more fully set forth in the Findings and Opinion of the Commission this day issued; and the registrant having consented to the entry of a stop order; and

The Commission now being fully advised in the premises,

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Chain Stores Depot Corporation, a Delaware corporation, be and the same hereby is suspended.

By the Commission.

Francis P. Brassor, Secretary.

[F. R. Doc. 40-3471; Filed, August 20, 1940; 11:27 a. m.]

[File No. 70-140]

IN THE MATTER OF CENTRAL NEW YORK POWER CORPORATION

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1940.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person, may, not later than September 6, 1940, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the application, as filed or as amended, may as supplemented, from the Central New

Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn, a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell \$6,000,000 aggregate principal amount of its General Mortgage Bonds, 31/2% Series due 1965, to the Equitable Life Assurance Society of the United States, at a price of 101% of the principal amount thereof, plus accrued interest from July 1, 1940, to the closing date. Such bonds to be issued under and pur-Commission should order a hearing suant to the terms of the Mortgage Trust thereon. At any time thereafter such Indenture dated as of October 1, 1937,

become effective or may be granted, as | York Power Corporation to The Marine provided in Rule U-8 of the Rules and Midland Trust Company of New York. as Trustee.

> Central New York Power Corporation also proposes to issue and sell not exceeding 105,263 additional shares of its common stock without par value to Niagara Hudson Power Corporation at \$28.50 per share. The net proceeds from said sales estimated to be \$8,990,585.50 are to be applied to the cost of the construction, completion, extension and improvement of certain electric and gas generating, manufacturing, transmission and distribution facilities of the Central New York Power Corporation from May 31, 1940, to December 31, 1941, such cost being estimated to be approximately \$14,754,900.

> The applicant has designated the third sentence in Section 6 (b) of said Act as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-3472; Filed, August 20, 1940; 11:23 a.m.1